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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,431	01/19/2006	Yoshimichi Kawai	52433/834	7614

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EXAMINER	
HOLLOWAY, JASON R	
ART UNIT	PAPER NUMBER
3633	
MAIL DATE	DELIVERY MODE
02/03/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,431	KAWAI ET AL.	
	Examiner	Art Unit	
	JASON HOLLOWAY	3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 January 2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin (5,867,964) in view of diGirolamo et al (5,113,631) and further in view of Edwards (3,821,868).

Regarding claim 7, Perrin teaches a steel house construction configuration, made by constructing a structural framework by assembling vertical frame studs (4, 48) and wall panels (2) prepared by attaching a face member (2) to a wall frame (24) prepared by assembling light gauge channels (figures 1-10; column 3 lines 46-50) made from sheet steel into rectangle form erected on a foundation (abstract lines 12-14) and a

floor panel formed by attaching a floor plate (floor 54 comprises a floor plate 56) to floor joists (58, 60 of figure 7),

characterized in that the walls of an upper story are constructed in the manner that the vertical frame studs provided at intersections of the wall panels and corners are through studs continuing to an upper story (studs 4 and 48 are through studs which continue to an upper story), the wall panels for the lower story are disposed along the four sides of a rectangle that constitutes a room of the lower story and connected to the through studs (as illustrated in figures 11 and 14),

However, Perrin fails to explicitly disclose the upper edges of the wall panels of the lower story on two opposite sides are positioned lower than the upper edges of the wall panels of the lower story on the other two opposite sides, and the floor panel and the wall panels of the upper story are supported on the upper end of the wall panels of the lower story on the two opposite sides and the wall panels of the upper story are connected to the upper end of the wall panels of the lower story on the other two opposite sides while putting the floor plate therebetween.

DiGirolamo teaches a conventional structural framing system in the prior art drawing of figure 2 in which the upper edges of the wall panels of the lower story on two opposite sides are positioned lower than the upper edges of the wall panels of the lower story on the other two opposite sides, and the floor panel and the wall panels of the upper story are supported on the upper end of the wall panels of the lower story on the two opposite sides and the wall panels of the upper story are connected to the upper end of the wall panels of the lower story on the other two opposite sides (column 1 lines

48-68 describe the conventional frame structure of figure 2; different wall heights can clearly be seen at the junction of the upper and lower floors. As illustrated, two sides of the walls are like that of load bearing walls and carry the weight of the upper story, while other two walls act as curtain walls and do not carry the weight of the upper story). Further, as stated in the previous rejection, figure 18 of diGirolamo also teaches the upper edges of the wall panels of the lower story on two opposite sides are positioned lower than the upper edges of the wall panels of the lower story on the other two opposite sides (the examiner construes the framing system of figure 18 is mirrored on each side of the frame), and the floor panel and the wall panels of the upper story are supported on the upper end of the wall panels of the lower story on the two opposite sides (as illustrated in figures 16 and 17) and the wall panels of the upper story are connected to the upper end of the wall panels of the lower story on the other two opposite sides (it would be obvious given figure 18 that wall panels of the upper story would be connected to the wall panels of the lower story).

Therefore, from the teaching of diGirolamo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Perrin to include the teaching of load-bearing walls used in conjunction with non-load bearing walls as taught by diGirolamo in since it is widely well known in the art to construct walls in this manner and doing so would yield a predictable result and have an easy installation process.

However, the embodiments so far mentioned of the combination of Perrin and diGirolamo fails to explicitly disclose the limitation while putting the floor plate therebetween in relation to the two non-load bearing walls. DiGirolamo discloses in

figure 50 another embodiment in which a steel floor plate 21 is disposed between upper and lower wall panels.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teaching of a supporting steel floor plate as disclosed in figure 50 of diGirolamo in order to prevent the non-supported sections of the floor from sagging.

The combination of Perrin and diGirolamo teaches doors in the construction of the building systems in their respective summaries of invention, however, the combination of Perrin and diGirolamo fails to disclose the newly added claim details of the wall panels and a lintel panel therebetween form a doorway opening in the wall in the lower story in at least one of the other two opposite sides.

Edwards teaches it is known in the art to provide a door and panel assembly wherein the wall panels (150 of figure 1) and a lintel panel (short panel 148 of figure 1) therebetween form a doorway opening in the wall. Therefore, from the teaching Edwards, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Perrin and diGirolamo to include a door opening having a lintel panel similar to that of the teaching of Edwards in order to provide an appropriate amount of strength to support the upper floors of the combination of Perrin and diGirolamo. The examiner notes that it would be obvious the combination of Perrin and diGirolamo with Edwards would yield an opening in a lower story in at least one of the two opposite sides as claimed since the placement of the door openings would be an obvious design choice.

Regarding claim 8, Perrin teaches girder walls and party walls (as illustrated in figure 14) are constructed by placing said through vertical frame studs (48) in the thickness of the wall panels (2 of figure 1) by forming the vertical frame studs (4, 48) into a rectangular cross section and joining the wall panels (2) to all sides of the rectangle by means of fasteners (as illustrated in figures 1, 4, 14 and 15).

Regarding claim 9, Perrin teaches the through vertical frame studs (4, 48) are made of steel sections, wood or steel reinforced concrete (column 3 lines 47-50 teaches steel construction).

Regarding claim 10, Perrin teaches the vertical frame studs (4, 48) and wall panels (2) are joined by using fasteners selected from drill screws, bolts and one-side bolts (as described in column 6 lines 34-43).

Response to Arguments

4. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new grounds of rejection. The new grounds of rejection were necessary by amended claim 7 with the addition of the limitation the wall panels and a lintel panel therebetween form a doorway opening in the wall in the lower story in at least one of the other two opposite sides.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached 892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HOLLOWAY whose telephone number is (571) 270-5786. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JASON HOLLOWAY
Examiner
Art Unit 3633

JH

/Brian E. Glessner/
Primary Examiner, Art Unit 3633